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No. 113, Original

In the Supreme Court of the United States

OCTOBER TERM, 1987

STATE OF MISSISSIPPI, PLAINTIFF

v.

UNITED STATES OF AMERICA

ON BILL OF COMPLAINT

ANSWER OF THE UNITED STATES

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The United States, in response to the complaint of the State of Mississippi setting forth its claim to portions of the Chandeleur Sound, states as to each averment of the complaint:

1. The averments of paragraph I are admitted.

2. In response to the averments of paragraph II, the United States states that the Submerged Lands Act, ch. 65, 67 Stat. 29, 43 U.S.C. 1301 *et seq.*, and this Court's decision in *United States* v. *Louisiana,* 363 U.S. 1 (1960), are the best evidence of their contents and speak for themselves.

3. The averments of paragraph III are admitted.

4. The averments of paragraph IV are denied.

5. The averments of paragraph V are denied.

6. In response to the averments of paragraph VI, the United States admits that prior to *United States* v. *California,* 381 U.S. 139 (1965), the United States had indicated that the Chandeleur Sound was inland water, at least in some circumstances, pursuant to various delimitation theories antedating the Convention on the Territorial Sea and Contiguous Zone, *opened for signature* Apr. 29, 1958,

15 U.S.T. 1606, T.I.A.S. No. 5639, 516 U.N.T.S. 205 (entered into force Sept. 10, 1964) [hereinafter the Convention]. The United States specifically denies, however, that it is bound by any position taken prior to the decision in *United States* v. *California, supra,* or that such indications constitute a long history or practice of claiming all or portions of the Chandeleur Sound as inland waters. *United States* v. *Louisiana* (*Louisiana Boundary Case*), 394 U.S. 11, 66-67 n.87, 73 n.97 (1969). The United States admits that it has published navigational charts showing areas of the Chandeleur Sound as high seas and that high sea areas occur in northern portions of the Chandeleur Sound three miles beyond the coastlines of Cat Island and East and West Ship Islands.

7. In response to the averments of the first sentence of paragraph VII, the United States states that it claims the rights to and jurisdiction and control of the Chandeleur Sound as against the State of Mississippi in accordance with the provisions of the Submerged Lands Act, *supra.* The averments contained in the second sentence of paragraph VII are denied. The third sentence of this paragraph constitutes a characterization of plaintiff's action and requires no response.

8. In response to the averments of paragraph VIII, the United States states that for purposes of defining the term "inland waters" as employed by the Submerged Lands Act, *supra,* the definitions provided in the Convention have been adopted by the Court. *United States* v. *California,* 381 U.S. 139, 165 (1965). The United States further avers that, in particular, the Convention uses the term "baseline" to refer to the "coast line" referenced in the Submerged Lands Act, *supra.* See *United States* v. *Louisiana* (*Alabama and Mississippi Boundary Case*), 470 U.S. 93, 98 (1985). The remaining averments contained in paragraph VIII constitute legal argument of the pleader and therefore require no response; inasmuch as those averments may require a response, they are denied.

ADDITIONAL AVERMENT

The United States avers that the State of Mississippi has no rights to the submerged lands and resources in areas of the Chandeleur Sound disputed herein, that the Chandeleur Sound is neither juridical nor historic inland water and that the United States has never asserted a straight baseline as sanctioned by Article 4 of the Convention, 15 U.S.T. 1608, anywhere along its coast.

WHEREFORE, the United States respectfully prays that the Court deny in all respects plaintiff's prayer for relief, issue a decree protecting the rights of the United States in the Chandeleur Sound and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted.

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